

February 8 2010

Ed Smith  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

**JAMES D. MOORE**  
ATTORNEY AT LAW  
30 5<sup>th</sup> Street East, Suite 201  
Post Office Box 116  
Kalispell, Montana 59903  
Telephone (406) 755-8332  
Facsimile (406) 755-8339  
Email: [moorelaw@centurytel.net](mailto:moorelaw@centurytel.net)

Attorney for Defendant and Appellant,  
**JAMES R. MOSTI**

**FILED**

FEB - 8 2010

**Ed Smith**  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

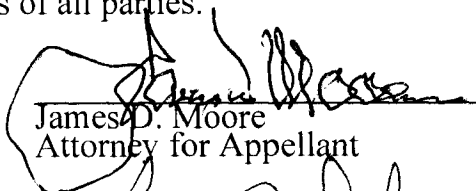
**IN THE SUPREME COURT OF THE STATE OF MONTANA****Supreme Court Cause No. DA 09-0505****CACV OF COLORADO, LLC,****Plaintiff and Appellee,****vs.****JAMES R. MOSTI,****Defendant and Appellant.****STIPULATION FOR  
EXTENSION OF TIME TO  
CONDUCT MEDIATION**

**COMES NOW** the parties herein, by and through their attorneys of record, and hereby stipulate to extend the deadline within which to conduct a mediation in this matter for a period of ninety (90) days. A telephonic mediation was originally scheduled for December 15, 2009, and extended by this Court per Stipulation on December 15, 2009 to be conducted no later than February 1, 2010. The parties and mediator have agreed to further extend the time to conduct a mediation to no later than May 1, 2010.

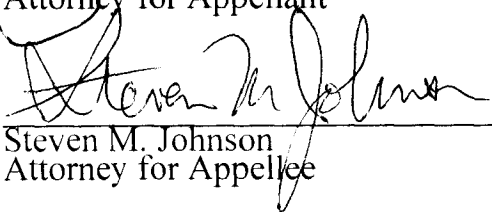
This Stipulation is made for and on the grounds that the parties to this action are also parties to a class action, to wit: *Cole, et al. v. Portfolio Recovery Associates, LLC, et al.*, U.S District Court Cause No. DV-08-036-GF (Great Falls Division), wherein a settlement agreement has been filed and is in the process of receiving necessary court approval. If the settlement is approved, it will resolve the issues of this action. The hearing on this matter has now been scheduled for March 19, 2010.

1 The parties previously moved for an extension of time for the briefing schedule.  
2 The parties would again move for an extension of time for the briefing schedule to  
3 occur after the settlement hearing on the class action matter, so as to allow the parties  
4 ample time to complete the briefing schedule should the class action settlement not be  
5 approved, and should the parties fail to resolve the issues herein in mediation. Again,  
6 if the class action settlement is approved as anticipated, it would resolve this matter,  
7 which could then be dismissed. The parties agree that the granting of the extension  
8 sought herein would be in the best interests of all parties.

9 DATED: Feb 4, 2010

  
James D. Moore  
Attorney for Appellant

12 DATED: February 3, 2010

  
Steven M. Johnson  
Attorney for Appellee